

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALFA CORPORATION,
an Alabama corporation,

Plaintiff,

v.

**ALFA MORTGAGE
INCORPORATED,** an Indiana
Corporation,

Defendant.

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Case No. 2:06-cv-962-WKW-WC

APPLICATION OF PLAINTIFF FOR ENTRY OF DEFAULT

COMES NOW the Plaintiff, Alfa Corporation, and requests that the Clerk of this Court enter the default of Alfa Mortgage Incorporated for failure to plead or otherwise defend in a timely manner as required by Rule 55(a) of the Federal Rules of Civil Procedure.

This request is based upon the attached affidavit of Robert A. Huffaker which shows:

(1) The Defendant was duly served with the Summons and Complaint in this action and, through counsel, filed a Motion to Dismiss on December 5, 2006 (Doc. 10). This motion was denied (Doc. 18) and the Defendant filed a *pro se* Answer on October 23, 2007 (Doc. 22). The Court struck the *pro se* Answer and

entered an order directing that the Defendant file an Answer, through counsel, on or before December 10, 2007 (Doc. 28).

(2) On December 10, 2007, a pleading styled as an "Answer" was filed by Corina Shelton (Doc. 30). By Order of that same date, this Court struck the Answer because it was not filed by an attorney (Doc. 31). Defendant thus has failed to plead or otherwise respond to the Complaint as directed by the Court.

(3) The applicable time limit for answering or responding has expired.

(4) The Defendant is not a minor, an incompetent person, or in the military service.

WHEREFORE, the Plaintiff requests that the Clerk of this Court enter the default of the Defendant Alfa Mortgage Incorporated.

s/Robert A. Huffaker
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Attorneys for Plaintiff
ALFA CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have mailed a copy of same by United States Mail, postage prepaid and properly addressed to:

Corina Shelton
Alfa Mortgage Incorporated
4272 Terrabella Way
Oakland, California 94619

s/Robert A. Huffaker
Of Counsel

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AFFIDAVIT OF ROBERT A. HUFFAKER

STATE OF ALABAMA

MONTGOMERY COUNTY

Before me, the undersigned Notary Public in and for said state and county, personally appeared Robert A. Huffaker, who is known to me and who being by me first duly sworn, deposes and states as follows:

1. My name is Robert A. Huffaker and I am the attorney for the Plaintiff in this action, Alfa Corporation. I give this affidavit in connection with the application of Alfa Corporation for the entry of default against the Defendant Alfa Mortgage Incorporated.

2. The Complaint in this action was filed on October 25, 2006 [Doc. 1]. The Defendant was duly served with the Summons and Complaint in this action and,

through counsel, filed a Motion to Dismiss on December 5, 2006 [Doc. 10]. This motion was denied [Doc. 18] and the Defendant filed a *pro se* Answer on October 23, 2007 [Doc. 22]. The Court struck the *pro se* Answer and entered an Order directing that the Defendant file an Answer, through counsel, on or before December 10, 2007 [Doc. 28].

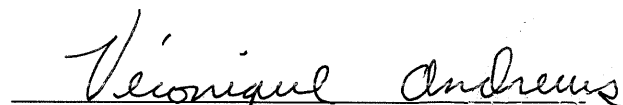
3. On December 10, 2007, a pleading styled as an "Answer" was filed by Corina Shelton [Doc. 30]. By Order of that same date, this Court struck the Answer because it was not filed by an attorney [Doc. 31]. Defendant thus has failed to plead or otherwise respond to the Complaint as directed by the Court.

4. The applicable time limit for answering or responding has expired.

5. The Defendant is not an infant or incompetent person within the meaning of Rule 55(a) of the Federal Rules of Civil Procedure because it is a corporation.


Robert A. Huffaker

SWORN TO and SUBSCRIBED before me on this the 11th day of December, 2007.


Notary Public
My Commission Expires: 6-6-2009
(SEAL)

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ENTRY OF DEFAULT

It appearing that the Defendant Alfa Mortgage Incorporation was duly served a copy of the Summons and Complaint in this action and has failed to answer or otherwise defend this action within the time prescribed by the Court, as required by law, as set out in the motion filed herein on December 11, 2007, by Plaintiff's attorney.

DEFAULT is hereby entered against said Defendant, Alfa Mortgage Incorporated.

DONE this the ____ day of _____, 200__.

DEBRA P. HACKETT
CLERK, UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF ALABAMA